

Message Text

LIMITED OFFICIAL USE

PAGE 01 CARACA 03262 072321Z
ACTION SS-15

INFO OCT-01 ARA-10 ISO-00 L-03 OES-07 CIAE-00 INR-10
NSAE-00 SSO-00 EB-08 COME-00 SNM-05 NSCE-00 PM-05
INRE-00 /064 W
-----049175 072330Z /61

O 072303Z APR 78 ZFF-6
FM AMEMBASSY CARACAS
TO SECSTATE WASHDC IMMEDIATE 1845
INFO COMDT COGARD WASHDC IMMEDIATE
DEPT OF TRANSPORTATION WASHDC IMMEDIATE
DEA WASHDC IMMEDIATE
COMMCUSTOMS WASHDC IMMEDIATE
CCGDSEVEN MIAMI FL IMMEDIATE
DPE OF JUSTICE WASHDC IMMEDIATE

LIMITED OFFICIAL USE CARACAS 3262

E.O. 11652: N/A
TAGS/ EEWT SNAR VE
SUBJECT: PROPOSED SEIZURES BY US COAST GUARD OF VENEZUELAN
REGISTERED VESSELS IN BEHALF OF VENEZUELAN
GOVERNMENT

REFS: (A) STATE 88278, (B) STATE 88279

1. THE GOV HAS BEEN COOPERATIVE IN THE PAST CONCERNING
GOAST GUARD REQUESTS TO BOARD AND SEARCH VENEZUELAN
REGISTERED VESSELS. THE CASE OF THE FISHING VESSEL MARIE
(REGISTERED IN VENEZUELA AS THE SANTA FE), HOWEVER, HAS
RAISED JURIDICAL AND PUBLIC RELATIONS PROBLEMS FOR THE GOV.
THE SANTA FE IS ON THE HIGH SEAS AND THE USG DOES NOT
INTEND TO PROSECUTE. INSTEAD, USG ASKS TO ACT AS AN AGENT FOR GOV.

2. IT IS CLEAR THAT WE MUST ESTABLISH UNIFORM AND AGREED UPON
PROCEDURES BASED ON SOUND JURIDICAL GROUNDS FOR THESE SEIZURES. THE
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 CARACA 03262 072321Z

GOV
HAS BEEN COOPERATIVE IN THE PAST CONCERNING SEVERAL
AD HOC REEQUESTS FOR SEIZURES. THE CASE OF THE SANTA FE, HOWEVER,
MAKES THE GOV VERY NERVOUS AND HAS CONVERTED IT INTO THE STRAW
THAT BROKE THE CAMEL'S BACK, AT LEAST INsofar AS AD
HOC REQUESTS ARE CONCERNED. THE PROCEDURES WE DEVELOP
MUST ALSO ALLOW THE GOV TO DEFEND ITS ACTIONS SHOULD IT

BE CRITICIZED FOR APPARENTLY ABDICATING ITS RESPONSIBILITIES
TO THE US.

3. IN THE DIPLOMATIC NOTE PRESENTED BY THE EMBASSY
TO THE GOV CONCERNING PERMISSION TO BOARD AND SEARCH THE
SANTA FE, THE EMBASSY ARGUED THAT THIS WOULD, IF EFFECT,
BE AN AGREEMENT BETWEEN THE US AND VENEZUELA ALLOWING
THE USG TO ACT IN THE GOV'S BEHALF. THIS DOES NOT
PROVIDE ANY JURIDICAL UNDEPINNING NOR DOES IT ALLOW THE
GOV TO DEFEND ITS ACTIONS BEFORE PUBLIC OPINION. ALSO,
EMBASSY IN TALKING TO OPERATIONS CENTER EVENING APRIL 6
(CONFERENCE CALL ALSO INVOLVING L AND OES) DISCOVERED
THAT, IF THE COAST GUARD TOWS A VENEZUELAN VESSEL TO A
US PORT, EITHER THE OWNER OF THAT VESSEL OR ITS OPERATORS
OR PERHAPS EVEN THE GOV MIGHT BE LIABLE FOR STORAGE
CHARGES. EMBASSY BELIEVES THAT, IF US COAST GUARD, AT ITS
REQUEST, SEIZES VENEZUELAN REGISTERED VESSELS IN BEHALF
OF THE GOV, SUBMITTING A BILL FOR STORAGE CHARGES WILL
BE VIEWED AS OFFENSIVE BY VENEZUELAN AUTHORITIES.

3. ACTION REQUESTED: THAT THE DEPARTMENT
SUPPLY THE EMBASSY WITH ARGUMENTS ADDRESSING BOTH THE
JURIDICAL AND PUBLIC RELATIONS PROBLEMS INVOLVED IN
SEIZING VENEZUELAN REGISTERED VESSELS OUTSIDE US WATERS
WHEN USG HAS NO INTENTION OF PROSECUTING. FURTHER
THAT THE USG PROCEDURES FOR SUCH SEIZURES (IF WE CAN
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 CARACA 03262 072321Z

OBTAIN VENEZUELAN AGREEMENT TO THEM) NOT INVOLVE OFFENSIVE
FEATURES SUCH AS BILLS FOR STORAGE CHARGES IN THE US.
FINALLY, DEPARTMENT SHOULD ALSO SUGGEST FORMAT FOR EFFECT-
ING SUCH AGREEMENT ON PROCEDURES.
VAKY

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MARITIME LAW, SHIP DETENTION, COAST GUARDS, SHIP SEARCH, INTERGOVERNMENTAL COOPERATION
Control Number: n/a
Copy: SINGLE
Draft Date: 07 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978CARACA03262
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780151-0596
Format: TEL
From: CARACAS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780482/aaaacrpp.tel
Line Count: 99
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 1da6d4b4-c288-dd11-92da-001cc4696bcc
Office: ACTION SS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 STATE 88278, 78 STATE 88279
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3045246
Secure: OPEN
Status: NATIVE
Subject: PROPOSED SEIZURES BY US COAST GUARD OF VENEZUELAN REGISTERED VESSELS IN BEHALF OF VENEZUELAN GOVERNMENT
TAGS: EEWT, SNAR, VE
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/1da6d4b4-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014